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FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**SENSITIVE**

November 20, 1998

Benjamin L. Ginsberg, Esquire  
Donald F. McGahn II, Esquire  
Patton Boggs, L.L.P.  
2550 M Street, NW  
Washington, DC 20037-1350

RE: MURs 4317 and 4323  
The Huckabee Election Committee  
(U.S. Senate)  
Prissy Hickerson, as treasurer  
The Huckabee Election Committee  
Prissy Hickerson, as treasurer  
The Honorable Mike Huckabee

Dear Mr. Ginsberg and Mr. McGahn:

Based on complaints filed with the Federal Election Commission on March 4 and 8, 1996, and on information supplied by your clients, the Commission, on October 16, 1996, found there was reason to believe that in MUR 4317 the Huckabee Election Committee (U.S. Senate) ("the Senate Committee") and Prissy Hickerson, as treasurer, had violated 2 U.S.C. §§ 434(b)(3)(A) and 441b. On the same date the Commission also found reason to believe in MUR 4323 that the Senate Committee and Prissy Hickerson, as treasurer, had violated 2 U.S.C. §§ 434(b)(3)(A) and 441b; that the Huckabee Election Committee ("the State Committee") and Prissy Hickerson, as treasurer, had violated 2 U.S.C. § 441b; and that the Honorable Mike Huckabee had violated 2 U.S.C. § 441b. The Commission instituted an investigation of these matters.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the positions of the General Counsel on the legal and factual issues of these matters. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your positions on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and

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MURs 4317 and 4323  
Benjamin L. Ginsberg, Esquire  
Donald F. McGahn II, Esquire

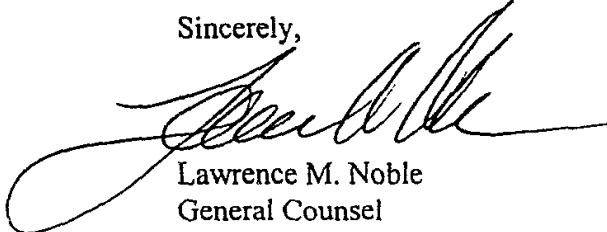
any brief which you may submit will be considered by the Commission before proceeding to votes of whether there is probable cause to believe violations have occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle these matters through a conciliation agreement.

Should you have any questions, please contact Anne A. Weissenborn, the Acting Assistant General Counsel assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence M. Noble", with a large, sweeping flourish extending from the bottom left.

Lawrence M. Noble  
General Counsel

Enclosure  
Brief

2025-10-10 10:00:00

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
)  
Huckabee Election Committee (U.S. Senate) ) MUR 4317 and MUR 4323  
Prissy Hickerson, as treasurer )  
Huckabee Election Committee )  
Prissy Hickerson, as treasurer )  
The Honorable Mike Huckabee )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On October 16, 1996, the Commission found reason to believe in MUR 4317 that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer, ("the Senate Committee") violated 2 U.S.C. § 441b by accepting a contribution from the Delta Beverage Group, Inc., and 2 U.S.C. § 434(b)(3)(A) by mis-reporting the sources of two contributions. In MUR 4323 the Commission found reason to believe that the Huckabee Election Committee and Prissy Hickerson, as treasurer, ("the State Committee") violated 2 U.S.C § 441b by making in-kind contributions to the Senate Committee using impermissible funds, that the Senate Committee violated 2 U.S.C. § 441b by accepting these in-kind contributions, and that the Honorable Mike Huckabee also violated 2 U.S.C. § 441b as a result of his involvement in the activities at issue. Further, the Commission found reason to believe that the Senate Committee violated 2 U.S.C. § 434(b)(3)(A) by failing to identify fully all contributors itemized on its 1995 Year End Report.

## II. ANALYSIS

### a. MUR 4317

The Federal Election Campaign Act of 1971, as amended, ("the Act"), prohibits corporations, labor organizations and national banks from making contributions to federal candidates and political committees, and political committees from knowingly accepting such contributions. 2 U.S.C. § 441b. 11 C.F.R. § 103.3(b)(1) provide that, if questions arise as to whether a particular contribution is prohibited by the Act, the recipient political committee may deposit the contribution into its account while the legality of the contribution is investigated. Unless shown to be not prohibited, the contribution must be refunded within thirty days of receipt.

The Commission's reason to believe determination in MUR 4317 regarding a violation of 2 U.S.C. § 441b by the Senate Committee involves a contribution of \$1,000 from a corporation, Delta Beverage Group, which was received on August 22, 1995, but not refunded until March 1, 1996 and thus not within the thirty day period provided at 11 C.F.R. § 103.3(b)(1). The response submitted on behalf of the respondents admits this violation, but contends that it was the result of the Senate Committee's having mistakenly assumed that the contributor was a political action committee, as had been the sources of other contributions from the soft drink industry. This Office intends to recommend that the Commission find probable cause to believe that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer, violated 2 U.S.C. 441b by accepting this contribution.

2 U.S.C. § 434(b)(3)(A) requires the identification in committee reports of all persons who have made contributions to the reporting committee in excess of \$200. MUR 4317 also

involves the Senate Committee's mis-reporting of two contributions in the amounts of \$500 each. These contributions were made by two partnerships, the Coca-Cola Bottling Company of Fort Smith and Hudson, Cisne, Keeling-Culp & Company, but were reported as having come from particular partners, namely Roger Meek and Richard Cisne respectively. The Senate Committee admits the reporting errors at issue, but cites "incorrect" information received from the contributors as the result of inquiries made by the committee which it then included in amendments to its reports. This Office will recommend that the Commission find probable cause to believe that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer, violated 2 U.S.C. § 434(b)(3)(A).

**b. MUR 4323**

Arkansas state law permits contributions to candidates for state office of up to \$1,000 per election from corporations, labor organizations and banks. (Arkansas Code Annotated ("A.C.A.") § 7-6-203(a) and (b).

11 C.F.R. § 100.8(a)(1) defines "expenditure" as including the provision of "anything of value . . . for purposes of influencing any election for Federal office . . . ." 11 C.F.R.

§ 100.8(a)(1)(iv)(A) defines "anything of value" as including in-kind contributions. 11 C.F.R.

§ 100.7(b)(1) and § 100.8(b)(1) exclude from the definitions of "contribution" and "expenditure" payments made "for the purpose of determining whether an individual should become a candidate;" however, if that individual later becomes a candidate, such contributions or payments become reportable. These same regulatory provisions include as examples of "testing-the-waters" activities the conducting of a poll, travel and telephone costs.

11 C.F.R. § 106.4(e) provides several alternatives for allocating the costs of a poll among political committees benefited. The method most relevant to the present matter would result in "[a]n amount computed by dividing the overall cost of the poll equally among candidates (including State and local candidates) or political committees receiving the results . . . ."

11 C.F.R. § 106.4(e)(2).

The Commission's findings of reason to believe in MUR 4323 that the Senate Committee, the State Committee and their treasurers, (together "Respondents"), violated 2 U.S.C. § 441b were based upon a letter and an accompanying survey mailed by the State Committee in May, 1995; upon the payment by the State Committee of expenses incurred with regard to a trip to Washington, DC by then Lieutenant Governor Mike Huckabee and his assistant, Brenda Turner, in early August, 1995; and upon additional expenditures by the State Committee which appeared to go beyond ones related to retirement of state election-related debt. In their response to the complaint, Respondents argued that these expenditures by the State Committee were for non-federal activities.

### **1. Letter and Questionnaire**

The State Committee's May, 1995 letter contained an appeal for funds to repay debts remaining from Mr. Huckabee's 1994 campaign for the office of Lieutenant Governor of Arkansas. This letter included no express reference to a prospective federal campaign; however, enclosed with the letter was a document entitled "Arkansas Citizen Opinion Survey" which was composed of ten questions which recipients were asked to answer and return to the State Committee with their debt reduction contribution. Question 9 of the survey contained the following language:

There has been much speculation about the open U.S. Senate seat which will be vacated in 1996 by Senator David Pryor. Do you think I should consider running for that office? Would you be willing to support the campaign if I ran?

The accompanying letter asked in a postscript that the recipients "take the time to answer the enclosed survey" and added, "I truly want to know your thoughts on these subjects!"

Respondents admit that the State Committee paid for the "debt retirement" letter and accompanying survey mailed in May, 1995, but argue that it was issued for the purely non-federal purposes of retiring debt from the 1994 Lieutenant Governor's campaign and of surveying constituents' opinions on a wide range of important state issues.

[N]either the letter nor the survey ever advocates the election or defeat of Lieutenant Governor Huckabee as a Senate candidate, or solicits money for his Senate campaign in any way. Rather, the purpose of the mailing was to generate interest so potential donors would contribute to the Lieutenant Governor's debt-retirement efforts. The one question at issue out of a two-page, ten-question survey was important to Arkansas voters at the time it was asked. Moreover, the one brief question regarding the open U.S. Senate seat was a legitimate state issue receiving tremendous media attention at the time. Its inclusion in the general survey in no way transformed a strictly non-federal debt retirement mailing into a "testing the waters" activity. Likewise, the fact that the survey posed some questions regarding issues that happened to have federal as well as state implications does not alter the fundamental non-federal nature or legitimacy of this mailing.

(Emphasis in original). Thus, Respondents maintain that the costs of this mailing were appropriately paid out of the State Committee's account.

According to Respondents' response to the Commission's reason to believe findings and to the answer to an interrogatory posed to the State Committee, costs associated with the

May, 1995 mailing totaled \$2,824.83, all of which was paid to Griffith Enterprises in July, 1995. This payment assertedly covered 6,100 mail pieces and included the costs of postage, materials and labor.

The survey sent out by the State Committee in May, 1995, clearly contained one question which was designed to test the waters for Mr. Huckabee as a prospective federal candidate. "Do you think I should consider running for that office?" is a classic testing-the-waters question, Respondents' argument that it had state-related ramifications notwithstanding. Thus, on the basis of this language alone, the mailing became in significant part a testing-the-waters undertaking paid for by the State Committee. It also appears that other portions of the survey would have been beneficial to a Huckabee federal candidacy, as well as to his non-federal office, addressing as they did certain issues such as highway taxes and welfare reform which have both federal and non-federal implications. And, as is noted above, the letter which accompanied the questions explicitly encouraged responses to the survey. Thus, it is reasonable to deem the costs of the entire package allocable between the State Committee and the Senate Committee, and thus in part an in-kind contribution made by the State Committee to the Senate Committee.

As stated above, the costs of the letter and survey totaled \$2,824.83. An equal allocation between the State Committee and the Senate Committee would have resulted in a total of \$1,412.41 for each committee. The State Committee was free under Arkansas law to accept contributions from corporations, labor organizations, and/or banks. Therefore, the \$1,412 in federal election-related expenditures by the State Committee were made from an account which contained funds prohibited by federal law. This Office is prepared to recommend that the

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Commission find probable cause to believe that Respondents violated of 2 U.S.C. § 441b as a result of the State Committee's payment for the letter and survey.

## 2. Trip to Washington, DC

In response to the Commission's interrogatories, Respondents stated that the State Committee made the following expenditures in connection with the trip to Washington, DC by Mr. Huckabee and Brenda Turner on August 1-3, 1995:

Goodwin Travel	Ticket for Brenda Turner	\$ 857
Citibank	Ticket for Mr. Huckabee	954
CNB	Petty cash	<u>350</u>
	Total	\$2,161

In their response to the Commission's findings of reason to believe, Respondents asserted that "this trip was for the sole purpose of meeting with political consultant Richard Morris to discuss an outstanding debt for services provided during the 1994 Lt. Governor's race." Respondents further asserted that the "initial plan was to meet with Mr. Morris in Arkansas," but that "Washington, DC was chosen as a convenient alternative site only after certain political realities made it difficult for Morris to travel to Arkansas, thereby precluding any possibility of a pre-meditated 'testing the waters' outing."

In her affidavit attached to the response to the complaint in this matter, Brenda Turner acknowledged that Mr. Huckabee met with leaders of the Republican Party during his Washington visit:

... Lt. Governor Huckabee took the opportunity to make courtesy visits with several prominent Republican leaders, conservative organizations and members of the press, including Senator Dole, Speaker Gingrich, Majority Leader Arney, Senator Faircloth, the National Republican Senatorial Committee ["NRSC"], the Senate Steering Committee comprised of conservative U.S. Senators, Washington Post columnist David Broder, and political commentator Fred Barnes.

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(Emphasis added). One week later Mr. Huckabee registered his exploratory committee for a U.S. Senate campaign.

The committees' response to the Commission's reason to believe determinations did not specifically address the meetings with Republican Party leaders which were cited in the newspaper articles attached to the complaint in this matter, and which have been acknowledged by Brenda Turner as having taken place. Rather, this response included the general statement that "Lt. Governor Huckabee never engaged in any activities while in Washington that would meet the definition [of 'testing the waters']. " The response went on to assert: "The fact that Mr. Huckabee was asked informally, and not on his own volition, about the open U.S. Senate seat in Arkansas does not automatically transform his trip into a 'testing the waters' effort as suggested by the Commission."

The August, 1995 trip to Washington, DC apparently involved, in part, a consultation about a 1994 debt; this fact suggests that a portion of the costs of the trip was legitimately allocated to non-federal activity. On the other hand, despite the denials of testing-the-waters activity, certain factors point to more than just debt reduction as a component of the trip. These other factors include the submission by the Huckabee Exploratory Committee (U.S. Senate) of its Statement of Organization to the Secretary of the Senate on August 15, 1995, or shortly after the trip; the admission via Ms. Turner that visits by Mr. Huckabee with national party representatives did take place; and the lack of specificity in the responses as to the subject matter of those visits, particularly the one with representatives of the NRSC the role of which is to assist Republican candidates with their campaigns for the U.S. Senate. These factors lead to the conclusion that a portion of the trip should have been allocated to federal election activity.

Therefore, this Office intends to recommend that the Commission find the \$2,161 in costs of this trip to have been in part for testing-the-waters for a federal campaign, and that the Commission include one-half of these costs, or \$1,080, in its determination that Respondents have violated 2 U.S.C. § 441b.

### 3. Other Activities

The complaint in this matter cited the fundraising letter and survey and the trip to Washington, DC as specific instances of allegedly federal expenditures made by the State Committee in 1995. However, the complaint also contained more general statements indicating possible uses of other State Committee monies to benefit Mr. Huckabee's potential federal campaign. Further, as noted in materials submitted with the complaint, the Arkansas Ethics Commission, in response to a request by then-Lieutenant Governor Mike Huckabee that it examine his State Committee's records, was critical of the State Committee's having raised \$91,825 dollars to pay off 1994 debts which initially totaled only \$35,161. This latter figure was subsequently reduced by Richard Morris' forgiveness of the \$15,000 debt owed to him and by the discovery that \$3,100 in debts had already been paid. The Ethics Commission report was also critical of the State Committee's "large administrative costs in connection with debt retirement . . . ."

Because of this more general information contained in the complaint, and information contained in the findings of the Arkansas Ethics Commission regarding State Committee debts and expenditures, questions were posed by the Office of the General Counsel to the State Committee concerning the purposes of a number of expenditures which were reported to the Ethics Commission as having been made between May and September, 1995. The questions

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focused particularly upon expenditures to credit card companies, and upon additional expenditures seemingly related to fundraising or to other, possibly campaign-related, activity.

The responses submitted by the State Committee to these questions, together with the information contained in the State Committee's reports for May-September, 1995 and the figures compiled by the Arkansas Ethics Commission, have produced the following approximate picture of the State Committee's financial activity between May 1, 1995, the earliest date under Arkansas law that the State Committee could have raised post-election contributions to pay off 1994 debts, and October 12, 1995, the date of Mr. Huckabee's registration as a candidate for the U.S. Senate.

State Committee Income

\$91,825.50

State Committee Expenditures

Payment of Debts	\$16,996 <sup>1</sup>
Fundraising	23,884 <sup>2</sup>
"Routine Office Expenses"	782 <sup>3</sup>
Travel	8,835 <sup>4</sup>
Contributions and Gifts	1,719 <sup>5</sup>

<sup>1</sup> This is the figure established by the Arkansas Ethics Commission as the total of 1994 debts owed by the Committee.

<sup>2</sup> This approximate and possibly generous figure for state debt-reduction fundraising includes, inter alia, direct mail costs, one-half of the State Committee's salary payment of \$10,545.99 to Brenda Turner in May, 1995 per the Arkansas Ethics Commission report; one-half of her June salary payment of \$2,510.95; and the full amounts of telephone bills paid in May and June.

<sup>3</sup> "Routine office expenses" is the phrase used by respondents to describe certain expenditures made for postage and printing in July, 1995.

<sup>4</sup> This figure included, inter alia, \$5,545 in expenditures for travel within the state of Arkansas in 1995 which have been identified by respondents, and the \$2,161 spent for the trip to Washington, DC.

<sup>5</sup> This category includes contributions to the Republican Party of Arkansas, to a television station, and to the Miller County Republican Party.

STATE "HOUSE" NO. 66

Utilities & Equip.	\$ 4,159 <sup>6</sup>
Salaries	14,883 <sup>7</sup>
Taxes	8,073
Unitemized	2,182

One of these categories of expenditures, that for "travel," included more than \$5,500 spent in May, June, July and September, 1995 for trips within the state of Arkansas. The State Committee has stated, in its response to interrogatories, that these expenditures for intra-Arkansas travel involved "various trips to stay in touch with constituents and attend various Arkansas Republican Party events, none of which were fundraisers or federal campaign-related events."

As part of this Office's investigation in this matter, an investigator traveled to Arkansas in April, 1998, seeking local press accounts of Huckabee appearances/speeches at specific local events which took place between May and August, 1995. The investigator visited libraries in eight towns situated between the northeast corner of the state and the central area bordering Louisiana. The towns were selected based upon references in news articles to particular festivals, parades and conferences at which Mr. Huckabee was expected to appear, or had appeared, during the time frame covered by the investigation.

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<sup>6</sup> This amount represents expenditures in July, 1995, for business equipment, telephone bills, and office supplies.

<sup>7</sup> This category includes one-half of the salary payments made to Brenda Turner in May and June, 1995, additional salary payments made to her in July-September, 1995, and smaller salary payments made to a second individual in May-July, 1995. According to the State Committee's reports filed with the Arkansas Ethics Committee, Ms. Turner received a net salary of \$2,273 for each of the five months of January-May, 1995 for a total of \$10,546, plus \$2,511 for June, \$3,515 for July, \$1,506 for August and \$502 for September, 1995. According to the Arkansas Ethics Commission's review of the State Committee's post-election expenditures, Ms. Turner attributed only one-half of her salary payment in May to debt retirement fund-raising. A second individual, Sharon Hicks, reportedly received salary payments of \$423 in May, \$694 in June and \$1,215 in July, 1995.

HUCKABEE "USE" HQ "SS"

The investigator found in the sample of towns visited, and in newspapers read, one reported, event-related presentation by Mr. Huckabee which addressed directly the issue of a Senate race. According to an Associated Press account carried in several local papers, Mr. Huckabee made an appearance at a Bismarck, Arkansas high school on June 24, 1995 and during his presentation there admitted his interest in serving in the U.S. Senate. Bismarck is a small town seventy-five miles southwest of Little Rock and ninety-seven miles northeast of Texarkana, Mr. Huckabee's home city. The Associated Press article, which ran in the June 27, 1995 editions of the Log Cabin Democrat of Conway, Arkansas, the Jonesboro Sun of Jonesboro, Arkansas, the Paragould Daily Press of Paragould, Arkansas, and The Daily Citizen of Searcy, Arkansas, quoted Mr. Huckabee as having stated: "I've never hidden the fact that I would love to go to the U.S. Senate. Most likely, I will be in that Senate race. I am certainly leaning in that direction." He was further quoted as follows: "I'll sit on a lake somewhere in August and even if the fish aren't biting, I'll do some serious soul searching and thinking and going through the process. . . . For the first time in my life, I'm beginning to see people commit financial resources to me that never have before."

Thus, on June 24, 1995, Mr. Huckabee apparently discussed before a crowd of people the possibility of his entering the 1996 Senate race. To travel to this event Mr. Huckabee would have had to incur certain expenses; however, the round trip distance covered would have probably have been less than 200 miles, particularly if he started in either Little Rock or Texarkana. At a cost of \$.31 a mile, this would have meant approximately \$62 in actual travel costs, plus any meals and, possibly, over-night accommodations.

News accounts of a number of additional events apparently attended by Mr. Huckabee within Arkansas in June and July, 1995 either include no quotations of election-related statements or do not cite Mr. Huckabee as having been present. Certain other reported Huckabee statements, which were not made at particular events but which did address the question of a Senate race, were found during the on-site investigation; however, these statements were made within the context of discussions of the June 8, 1995 indictment of then-Governor Jim Guy Tucker and the effect of that indictment upon any Huckabee decision regarding the Senate race.

In summary, evidence gathered during the investigation with regard to Mr. Huckabee's in-state travel during June and July, 1995, has thus far shown only minimal testing-the-water appearances. Further investigation in this regard could well reveal additional instances, with possible ramifications for allocating not only travel expenses but also certain office expenses and salaries as federal testing-the-waters expenditures; however, the potential sum of additional, federally-related costs does not appear to merit the further utilization of Commission resources which would be needed to identify those costs.<sup>8</sup>

One clear testing-the-waters undertaking which did come to the attention of this Office during the investigator's trip is a letter which Mr. Huckabee sent to Republican leaders in late June, 1995. According to an article in the Arkansas Democrat-Gazette on June 28, 1995 entitled

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<sup>8</sup> State Committee expenditures listed above which were apparently not related to debt-reduction fundraising include the more than \$4,840 reported to the state for "routine office" activities (\$782) and for utilities and equipment (\$4,159) in July, 1995, and the \$14,883 in salaries paid between May and September of that year. However, in light of the small amount of Senate campaign-related "testing-the-waters" expenditures, other than the Washington trip and the letter and survey, revealed thus far by the investigation in this matter, it would appear that the portion of the \$14,883 also attributable to those additional "testing-the-waters" activities would have been correspondingly modest.

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"Huckabee plans run for Senate, as long as Tucker not convicted," Mr. Huckabee stated in this letter that he was "'anticipating' a race for the seat being vacated next year by Sen. David Pryor, D-Ark." The article went on to discuss the contents of the letter:

Huckabee said he was not being "presumptuous by assuming the support of our state Republican leadership. I recognize that anyone who desires to run may do so."

But he went on to write that the level of organization and financial support available for his candidacy is "incredibly encouraging."

The article stated that Mr. Huckabee "would 'rethink' his decision if Gov. Jim Guy Tucker is convicted on felony charges brought against him June 7 by a federal grand jury at Little Rock. . . . Huckabee termed the governor's indictment a 'delicate situation'."

As reported in Arkansas press accounts, this letter to Republican leaders within Arkansas appears to have been at the least a "testing-the-waters" endeavor.<sup>9</sup> It was apparently also paid for by the State Committee. In the response to the Commission's interrogatories signed by Brenda Turner, Respondents stated that a \$2,546 expenditure made to Griffith Enterprises in July was "for 'thank you' letters to constituents who had responded to the May, 1995 debt retirement mailing and for other miscellaneous mailings not related to fundraising." (Emphasis added.)

However, because the late June mailing to Republican leaders was apparently directed to a select

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<sup>9</sup> Several later articles, published during July, 1995, included references to Mr. Huckabee's having cited the response to these letters as important to his pending decision-making. For example, a July 24 article in the Arkansas Democrat-Gazette stated that Huckabee had decided to form an exploratory committee "because of the 'incredible' response he has received to letters sent to Republicans across the state asking if he should run for the Senate." The Daily Citizen of Searcy, Arkansas, on July 24, and the Paragould Daily Press of Paragould, Arkansas, on July 26, ran an Associated Press story which included the following sentence: "[Huckabee] sent letters to Republicans across the state asking if he should run for the Senate and received what he called an incredible response."

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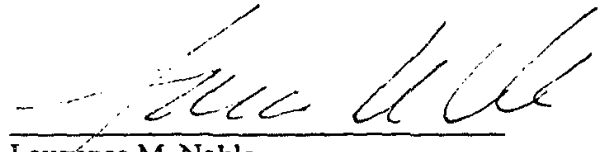
group of persons and thus was apparently not a mass mailing, related mailing costs would probably have been relatively minimal.

### **III. GENERAL COUNSEL'S RECOMMENDATIONS**

1. Find probable cause to believe in MUR 4317 that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer, violated 2 U.S.C. § 441b.
2. Find probable cause to believe in MUR 4323 that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer; the Huckabee Election Committee and Prissy Hickerson, as treasurer; and The Honorable Mike Huckabee violated 2 U.S.C. § 441b.
3. Find probable cause to believe in MUR 4317 that the Huckabee Election Committee (U.S. Senate) and Prissy Hickerson, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) by mis-reporting the sources of two contributions.

Date

11/20/98

  
Lawrence M. Noble  
General Counsel

Staff Assigned: Anne A. Weissenborn